

**Introduced by Senator Glazer**

February 19, 2016

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An act to amend Section 1808.4 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1311, as amended, Glazer. Vehicles: confidential home address.

Existing law makes confidential, upon request, the home addresses of specified governmental officials, peace officers, state employees, and certain other persons that appear in the records of the Department of Motor Vehicles. Existing law prohibits the disclosure of the confidential home addresses described above, except as specified. Existing law requires a record of the department containing a confidential home address to be open to public inspection, as specified, if the address is completely obliterated or otherwise removed from the record. Existing law also provides that following the termination of office or employment, a confidential home address shall be withheld from public inspection for ~~three~~ 3 years, unless the termination is the result of conviction of a criminal offense, as specified.

This bill would require the department, for certain persons and within ~~30 days~~, *a specified period*, to discontinue holding a home address confidential pursuant to the above provisions if the department receives a written notification from the sheriff, chief of police, or other head of an employing agency of the employee ~~directing~~ *requesting* the department to discontinue holding the home address ~~confidential~~. *confidential and the department agrees that holding the home address confidential should be discontinued at the conclusion of a hearing,*

*unless the hearing is excepted, as specified. The bill would require the department to notify the subject of the request within 30 days of receipt of the request, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1808.4 of the Vehicle Code is amended  
2 to read:  
3     1808.4. (a) For all of the following persons, his or her home  
4 address that appears in a record of the department is confidential  
5 if the person requests the confidentiality of that information:  
6     (1) Attorney General.  
7     (2) State Public Defender.  
8     (3) A Member of the Legislature.  
9     (4) A judge or court commissioner.  
10    (5) A district attorney.  
11    (6) A public defender.  
12    (7) An attorney employed by the Department of Justice, the  
13 office of the State Public Defender, or a county office of the district  
14 attorney or public defender.  
15    (8) A city attorney and an attorney who submits verification  
16 from his or her public employer that the attorney represents the  
17 city in matters that routinely place the attorney in personal contact  
18 with persons under investigation for, charged with, or convicted  
19 of, committing criminal acts, if that attorney is employed by a city  
20 attorney.  
21    (9) A nonsworn police dispatcher.  
22    (10) A child abuse investigator or social worker, working in  
23 child protective services within a social services department.  
24    (11) An active or retired peace officer, as defined in Chapter  
25 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal  
26 Code.  
27    (12) An employee of the Department of Corrections and  
28 Rehabilitation, Division of Juvenile Facilities, or the Prison  
29 Industry Authority specified in Sections 20403 and 20405 of the  
30 Government Code.  
31    (13) A nonsworn employee of a city police department, a county  
32 sheriff's office, the Department of the California Highway Patrol,

1 a federal, state, or local detention facility, or a local juvenile hall,  
2 camp, ranch, or home, who submits agency verification that, in  
3 the normal course of his or her employment, he or she controls or  
4 supervises inmates or is required to have a prisoner in his or her  
5 care or custody.

6 (14) A county counsel assigned to child abuse cases.

7 (15) An investigator employed by the Department of Justice, a  
8 county district attorney, or a county public defender.

9 (16) A member of a city council.

10 (17) A member of a board of supervisors.

11 (18) A federal prosecutor, criminal investigator, or National  
12 Park Service Ranger working in this state.

13 (19) An active or retired city enforcement officer engaged in  
14 the enforcement of the Vehicle Code or municipal parking  
15 ordinances.

16 (20) An employee of a trial court.

17 (21) A psychiatric social worker employed by a county.

18 (22) A police or sheriff department employee designated by the  
19 ~~Chief~~ *chief of Police* ~~police~~ of the department or the sheriff of the  
20 county as being in a sensitive position. A designation pursuant to  
21 this paragraph shall, for purposes of this section, remain in effect  
22 for three years subject to additional designations that, for purposes  
23 of this section, shall remain in effect for additional three-year  
24 periods.

25 (23) A state employee in one of the following classifications:

26 (A) ~~Licensing-Registration~~ *Licensing-Registration* Examiner,  
27 Department of Motor Vehicles.

28 (B) Motor Carrier Specialist-I, Department of the California  
29 Highway Patrol.

30 (C) Museum Security Officer and Supervising Museum Security  
31 Officer.

32 (D) Licensing Program Analyst, Department of Social Services.

33 (24) (A) The spouse or child of a person listed in paragraphs  
34 (1) to (23), inclusive, regardless of the spouse's or child's place  
35 of residence.

36 (B) The surviving spouse or child of a peace officer, as defined  
37 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part  
38 2 of the Penal Code, if the peace officer died in the line of duty.

1 (C) (i) Subparagraphs (A) and (B) shall not apply if the person  
2 listed in those subparagraphs was convicted of a crime and is on  
3 active parole or probation.

4 (ii) For requests made on or after January 1, 2011, the person  
5 requesting confidentiality for their spouse or child listed in  
6 subparagraph (A) or (B) shall declare, at the time of the request  
7 for confidentiality, whether the spouse or child has been convicted  
8 of a crime and is on active parole or probation.

9 (iii) Neither the listed person's employer nor the department  
10 shall be required to verify, or be responsible for verifying, that a  
11 person listed in subparagraph (A) or (B) was convicted of a crime  
12 and is on active parole or probation.

13 (b) The confidential home address of a person listed in  
14 subdivision (a) shall not be disclosed, except to any of the  
15 following:

16 (1) A court.

17 (2) A law enforcement agency.

18 (3) The State Board of Equalization.

19 (4) An attorney in a civil or criminal action that demonstrates  
20 to a court the need for the home address, if the disclosure is made  
21 pursuant to a subpoena.

22 (5) A governmental agency to which, under any provision of  
23 law, information is required to be furnished from records  
24 maintained by the department.

25 (c) (1) A record of the department containing a confidential  
26 home address shall be open to public inspection, as provided in  
27 Section 1808, if the address is completely obliterated or otherwise  
28 removed from the record.

29 (2) Following termination of office or employment, a  
30 confidential home address shall be withheld from public inspection  
31 for three years, unless the termination is the result of conviction  
32 of a criminal offense. If the termination or separation is the result  
33 of the filing of a criminal complaint, a confidential home address  
34 shall be withheld from public inspection during the time in which  
35 the terminated individual may file an appeal from termination,  
36 while an appeal from termination is ongoing, and until the appeal  
37 process is exhausted, after which confidentiality shall be at the  
38 discretion of the employing agency if the termination or separation  
39 is upheld. Upon reinstatement to an office or employment, the  
40 protections of this section are available.

1 (3) With respect to a retired peace officer, his or her home  
2 address shall be withheld from public inspection permanently upon  
3 request of confidentiality at the time the information would  
4 otherwise be opened. The home address of the surviving spouse  
5 or child listed in subparagraph (B) of paragraph (24) of subdivision  
6 (a) shall be withheld from public inspection for three years  
7 following the death of the peace officer.

8 (4) (A) Notwithstanding paragraphs (2) and (3), the department  
9 shall discontinue holding a home address confidential pursuant to  
10 subdivision (a) ~~if the both of the following are met:~~

11 (i) ~~The department receives a written notification from the~~  
12 ~~sheriff, chief of police, or other head of an employing agency of~~  
13 ~~the employee directing requesting the department to discontinue~~  
14 ~~holding the home address confidential. The department~~

15 (ii) ~~The department agrees that holding the home address~~  
16 ~~confidential should be discontinued at the conclusion of a hearing~~  
17 ~~wherein the requesting entity, the person that is the subject of the~~  
18 ~~request, and the employee described in subparagraph (E) if the~~  
19 ~~subject of the request is the spouse or child of that employee may~~  
20 ~~provide arguments and information in support of, or in opposition~~  
21 ~~to, the request.~~

22 (B) ~~The department shall comply with a notification pursuant~~  
23 ~~to this paragraph notify the subject of a request made pursuant to~~  
24 ~~subparagraph (A) within 30 calendar days of receipt of the~~  
25 ~~notification. This request and shall make all reasonable efforts to~~  
26 ~~ensure the subject of the request is contacted.~~

27 (C) ~~A hearing described in subparagraph (A) is not required~~  
28 ~~to be held if the subject of the request does not respond to the~~  
29 ~~notification by the department or does not wish to contest the~~  
30 ~~request.~~

31 (D) ~~If the department agrees that holding the home address~~  
32 ~~confidential should be discontinued pursuant to subparagraph~~  
33 ~~(A), the department shall discontinue holding the home address~~  
34 ~~confidential as soon as possible, but in no case later than 30~~  
35 ~~calendar days upon the conclusion of the hearing.~~

36 (E) ~~This paragraph shall apply only to the home address of a~~  
37 ~~person specified in paragraph (9), (11), (13), or (22) of subdivision~~  
38 ~~(a); (a) or the spouse or child of any of those persons.~~

39 (5) The department shall inform a person who requests a  
40 confidential home address what agency the individual whose

1 address was requested is employed by or the court at which the  
2 judge or court commissioner presides.

3 (d) (1) A violation of subdivision (a) by the disclosure of the  
4 confidential home address of a peace officer, as specified in  
5 paragraph (11) of subdivision (a), a nonsworn employee of the  
6 city police department or county sheriff's office, or the spouses or  
7 children of these persons, including, but not limited to, the  
8 surviving spouse or child listed in subparagraph (B) of paragraph  
9 (24) of subdivision (a), that results in bodily injury to the peace  
10 officer, employee of the city police department or county sheriff's  
11 office, or the spouses or children of these persons is a felony.

12 (2) The failure to hold a home address confidential pursuant to  
13 subdivision (a) for a person whose home address is no longer held  
14 confidential pursuant to paragraph (4) of subdivision (c) shall not  
15 be a violation of paragraph (1) provided the date of disclosure was  
16 after termination of the address withholding.